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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,159	07/17/2003	Thomas R. Headley	010355-9137	1908

23585 7590 08/27/2004

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EXAMINER

HEWITT, JAMES M

ART UNIT PAPER NUMBER

3679

DATE MAILED: 08/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/622,159

Applicant(s)

HEADLEY, THOMAS R.

Examiner

James M Hewitt

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-18 and 20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-18 and 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/27/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 5-9, 12-13, 16 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones (US 4,664,958) in view of Boaz et al (US 6,022,504).

With respect to claims 1 and 12, Jones discloses a method of manufacturing a flow connector, comprising: providing at least one insert (15) of a composition comprising at least one polymer, the insert having a threaded bore (19) for attachment to a threaded flow conduit, and molding onto the at least one insert a composition comprising at least one polymer (drum is thermoplastic) to form a flow connector having a wall thickness defining an internal cavity (inside of the drum) and comprising at least one aperture (bunghole) defined by the at least one insert through the wall thickness. Jones fails to teach that the insert comprises a reinforcement material selected from the group consisting of fiberglass, an inert material and combinations thereof. Boaz et al teaches an insert that may be made from glass-filled nylon or glass-filled polypropylene. In view of Boaz et al's teaching and that Jones states that his insert could be about any material (see Jones, col. 2 ll. 7-10), it would have been obvious to one having ordinary skill in the art at the time the invention was made to form Jones' insert from glass-filled

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nylon or glass-filled polypropylene, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

Note that Jones' device has been interpreted in the broadest reasonable sense as a flow connector. Fluid is to flow from the drum out through the bung hole.

With respect to claim 2, wherein the at least one polymer of the at least one insert is the same as the at least one polymer of the flow connector. Refer to col. 2 lines 7-20.

With respect to claim 3, wherein the at least one polymer of the at least one insert and the at least one polymer of the flow connector are similar polymers that permit remelting and subsequent bonding at the interface between the at least one insert and the flow connector. Refer to col. 2 lines 7-20.

With respect to claim 5, it should be understood that the glass fibers would be uniformly dispersed throughout the plastic, and thus would be oriented circumferentially about the insert.

With respect to claims 6 and 13, Jones' device has been interpreted in the broadest reasonable sense as a manifold body for fluid handling.

With respect to claim 7, wherein the at least one aperture is a flow opening located in the manifold body.

With respect to claim 8, Jones employs blow-molding to form his device. It would have been obvious to one having ordinary skill in the art at the time the invention was

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made to instead form the device by injection-molding since injection-molding is commonly known and practiced.

With respect to claim 9, Jones employs core pin (32) inside the mold. This is also a common practice.

With respect to claim 16, Jones discloses an insert (15) for manufacturing a flow connector, comprising: a threaded bore (19) for attachment to a threaded flow conduit, the insert being of a composition comprising at least one polymer (see col. 2 lines 7-9). Jones fails to teach that the insert comprises a reinforcement material selected from the group consisting of fiberglass, an inert material and combinations thereof. Boaz et al teaches an insert that may be made from glass-filled nylon or glass-filled polypropylene. In view of Boaz et al's teaching and that Jones states that his insert could be about any material (see Jones, col. 2 ll. 7-10), it would have been obvious to one having ordinary skill in the art at the time the invention was made to form Jones' insert from glass-filled nylon or glass-filled polypropylene, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

With respect to claim 20, it should be understood that the glass fibers would be uniformly dispersed throughout the plastic, and thus would be oriented circumferentially about the insert.

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Claims 10-11, 14-15 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones (US 4,664,958) in view of Boaz et al (US 6,022,504), and further in view of Yoshida et al (US 6,517,761).

With respect to claims 10-11, 14-15 and 17-18, Jones fails to teach that his insert includes circumferential grooves or spurs located on an exterior surface of the insert. Jones however does teach forming an annular groove (20) and an outwardly extending flange (21) that has circumferentially spaced, radially extending locking ribs (22) on the exterior surface of the insert to assist in securing the insert. Yoshida teaches an insert for embedding in a base made of thermoplastic resin. The insert includes circumferential grooves and/or spurs on the exterior surface thereof for securing the insert in the base. In view of Yoshida's teaching, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Jones with circumferential grooves or spurs on the outer surface of his insert in order to better retain and secure the insert within the wall of the drum.

### ***Response to Arguments***

Note that Boaz et al (US 6,022,504) constitutes the documentary evidence as required by M.P.E.P. 2144.03(c)

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

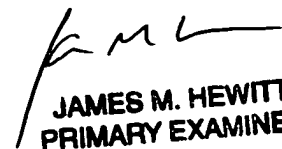
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A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M Hewitt whose telephone number is 703-305-0552. The examiner can normally be reached on M-F, 930am-600pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Stodola can be reached on 703-308-2686. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**JAMES M. HEWITT**  
**PRIMARY EXAMINER**